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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 4th day of June, 1998

Before:

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

Writ Petition No. 7354 of 1993

Bangalore South Rotary Trust
Professor P. Shivashankar Circle,
K.R. Road, Bangalore-560 004,
represented by its Secretary,
Rotarian Dr. R.A. Srinivas

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..Petitioner

(By Sri C.M. Nagabhushana, Advocate)

-Vs-

1. The Corporation of the
City of Bangalore,
Bangalore-560 002,
represented by its
Commissioner;

2. Assistant Revenue Officer,
Bangalore Mahanagara Palike,
Basavanagudi Range,
Bangalore - 560 004

..Respondents

(By Sri Ashok Haranahalli, Advocate)

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Writ Petition is filed praying to quash the special notice under Section 147 of the Schedule III, Part-II of the Karnataka Municipal Corporation Act, vide Annexure-C dated 25-1-1992.

This writ petition coming on for preliminary hearing in 'B' Group this day, the Court made the following:-

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O R D E R

It is stated that Sri P.G.C.Chengappa no longer appears for the Bangalore City Corporation. Sri Ashok Haranahalli, who is one of the Standing Counsel for the Corporation, is directed to take notice for respondents.

2. Petitioner Trust claims that in a land granted on lease by the Bangalore City Corporation, it has put up a building and the Corporation has issued a special notice dated 25-1-1992 [Annexure-C] under Section 147 and clause (9) of Part II of Schedule III of the Karnataka Municipal Corporations Act, proposing to assess the building to the annual rental value of Rs.2,00,000/- and a property tax of Rs.65,500/- per annum from 1-4-1990 and calling upon the petitioner to file objections, if any, within thirty days. The Corporation has also issued a recovery notice, vide Annexure-D. Petitioner claims to have filed its objections as per Annexure-E dated 20-3-1992. Thereafter, by order dated 17-9-1992 [Annexure-F], the fixation of annual rental value and tax has been confirmed. The petitioner filed an appeal before the Taxation

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Appeal Committee as per Annexure-G challenging Annexure-F dated 17-9-1992. However, as the Taxation Appeal Committee was not functioning at that stage, it was constrained to file this petition and seek stay of the demand. Hence, the petitioner has filed this petition for quashing Annexure-C dated 25-1-1992 and Annexure-F dated 17-9-1992.

3. When the matter came up today, learned Counsel for the respondents stated that the Taxation Appeal Committee is now functioning and if the appeal is not already disposed of, the same will be heard and disposed of by the Committee and as the petitioner has filed the appeal ^{even} before filing this petition, this petition is not maintainable. He also stated that if the appeal has already been disposed of during the pendency of this petition, the decision will be intimated to the petitioner within one month from this date.

4. In view of the above statements, this petition does not survive for consideration. Petition is accordingly disposed of permitting the petitioner to pursue the appeal before the Taxation

RMR

Appeal Committee. It is needless to say that until the appeal is disposed of, the demand shall not be enforced.

5. Sri Ashok Haranahalli is permitted to file his Vakalath in six weeks.

Sd/-
JUDGE

Bnr/-

